

"compromise" because it is afraid of some voters, will insist upon jury trials in all cases of criminal—as distinguished from civil—contempt.

### THE DEBATE ON THE CIVIL RIGHTS BILL

Mr. CLARK. Mr. President, a moment or two ago the Senator from New York [Mr. JAVIRS] made reference to the Harris survey which appeared in the newspapers this morning, dealing with public opinion on the civil rights bill. He also inserted in the RECORD a copy of the survey.

I note that the last table in the survey shows that President Johnson's handling of the civil rights bill is approved by a nationwide percentage of 67 percent, and by 61 percent of those queried in the white South. I believe that is quite significant as an indication that the opposition in the white South to this bill, which the President so strongly favors, has been vastly overestimated.

Mr. President, the defendant in the court of public opinion is the Senate, because the Senate in this long-winded filibuster, which started on March 9 and still continues, has shown its complete inability to measure up to its legislative responsibility.

In the process of doing so, we have thrown away our own rule book. We are at this moment proceeding under a most extraordinary procedure. Several months ago the Senate adopted a new rule, which allows committees to meet while the Senate is engaged in its morning hour. We are now in a sort of illegitimate morning hour. There is no reason why committees should not be sitting. There is no reason why a Senator must come to the floor instead of going to a committee meeting, except that one Senator has refused to give credence to the Senate rule, and in order to indulge him it has been necessary to enter into a unanimous-consent agreement to eliminate the rule adopted less than 2 months ago, so that our committees should not be able to meet.

We have thrown away the rule book for a unanimous-consent agreement. We have thrown away for weeks the Pastore germaneness rule. The only rule that Senators have any intention of using is rule XXII. Until the Senate is prepared to come back to orderly procedure, and bring that rule into accord with the procedure in every other civilized legislative body in the world, the Senate will continue to be held up to contempt throughout the country and across the world.

Mr. SMATHERS. Mr. President, I have listened with considerable interest to the statements of the able Senator from New York [Mr. JAVIRS] and the able Senator from Pennsylvania with respect to the poll conducted by Louis Harris, which appeared in the Washington Post this morning.

As Arthur Krock, the esteemed editorialist and columnist of the New York Times once said, after all, it is not the polls that are the final determination as to how people feel, but, rather, elections.

If we look at the past few elections which have been held in the United

States, we find, for example, that when people were able to express themselves by secret ballot they have spoken clearly on this subject.

For example, in Portland, Oreg., which is obviously not in the South, the people turned down a proposal, in a referendum vote, which called for a certain type of fair housing program. One that called discrimination in housing illegal.

The same type of thing happened in Seattle, Wash., recently. We also know what happened in the primary election in Wisconsin, in which the Governor of Alabama, although making very few speeches, spending little time and little money, offered himself as an anti-civil-rights candidate, and he received two and a half times the vote which the experts had said he would get. He polled over 25 percent of the total Democrat vote.

It was interesting, also, to note, in recent weeks, the Rhode Island Legislature turned down a public accommodations bill for that State. Surely, the Rhode Islanders are not southern, nor are they benighted.

All this would indicate to me that there is a backlash to the extreme pressures of these pro-civil-rights groups. All these elections throw some doubt on the results of the Harris poll. Incidentally, we were not permitted to see the questions that were asked in the Harris poll. It is possible to ask the question, for example, "Do you favor continued long debate in the Senate and thereby hold up the business of the Senate?" Everyone would be likely to answer "No." It is then possible to take that answer and interpret it in any way one wishes to interpret it.

I have had Mr. Harris conduct a few polls for me. They were pretty good polls. He is a good pollster. But, of course, the question is as important as the answer. One can get a certain answer by asking a certain question. And in the Harris poll as reported in this morning's press, the questions asked were not revealed, so from my personal experience in this civil rights matter, I am skeptical of the results of the Harris poll.

I believe that the Senator from Georgia, the Senator from Virginia, the Senator from Alabama, the Senator from Florida, or the Senator from Mississippi are representing the majority of the people in their States. If they were not, they would not be here, or continue to be reelected as they have been time and again.

I was back in my State over the weekend. Never before, in the 18 years that I have had the privilege of representing Florida in Washington, have so many people come up to me voluntarily, to stop me on the street, to say, "Please keep up your fight against the civil rights bill. You are doing splendidly. Do not give up the fight. We do not think there is any need for another law to permit the Federal Government to encroach further into our affairs."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. With respect to so-called civil rights, I am happy to ask unanimous consent to have printed in the RECORD excerpts from an article entitled "State Teachers To Integrate."

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

#### STATE TEACHERS TO INTEGRATE

(By Louise Blanchard)

The Florida Education Association yesterday became the first statewide teachers' group in the Deep South to open its membership to Negroes.

Delegates representing more than 40,000 white teachers voted to remove the word "white" from the FEA charter "by more than the necessary two-thirds majority." Election Committee Chairman Jane Reynolds announced.

The announcement drew applause from delegates ending a 3-day meeting at Miami Beach Convention Hall. Voting machines were used for the balloting. The FEA never announces the number of votes in an election.

#### JOE HALL ELECTED

Dr. Joe Hall, superintendent of Dade schools, was elected FEA president for the coming year. He has headed the Dade school system during several years of peaceful and fairly rapid desegregation.

Immediately after the announcement of his selection, Dr. Hall said he has not made any plans for putting the desegregation move into effect.

State officers of the FEA and the Negro organization, the Florida State Teachers' Association, have met to discuss the question, said Dr. Gilbert L. Porter, executive secretary of the FSTA.

Dr. Porter said he was "proud of the FEA" and delighted by the decision.

The Dade Classroom Teachers' Association made the decision to open to Negro members about a year ago. It is not affiliated with the FEA, but many Dade teachers are members of both organizations.

Statewide education organizations in a half dozen border States desegregated their membership in the last 5 or 6 years, Dr. Porter said.

While the FEA was meeting at Miami Beach, the FSTA met in Miami and adopted as policy a statement prepared by the executive secretaries of the Negro education associations of 11 Southern States. The policy establishes principles for desegregation of education associations and says:

"Unilateral action will only serve to produce needless tensions. \* \* \*

Mr. SMATHERS. Mr. President, this action has been taken voluntarily by those people. There is no law which tells the teachers of Florida to do it. There has been no whiplash applied to force them to do it. This action is proof positive that if we in the South are left alone and permitted to try to solve our problems, they will be solved. If we are not dictated to, or forced into certain courses of action, but allowed instead to proceed as best we can, we can make a great deal of progress. This action demonstrates that if left alone, we are trying, and will do something about the problems, and in the end we can solve them.

#### FIDEL CASTRO'S DILEMMA

Mr. SMATHERS. Mr. President, we have all been interested in Fidel Castro's hysterical and inflammatory speech of

about a week ago, in which he attacked the United States in most abusive language. It was the first such speech that he has made since October 1962. Everyone has been wondering why he was doing this at this particular time. In that connection a very interesting article was published in the Miami News of this past Sunday. It was written by Mary Louise Wilkinson. What she writes makes a good deal of sense and I commend it to my colleagues. She says that Castro has finally awakened to the fact that if the tensions between the Soviet Union and the United States continue to be eased, he is likely to be left all alone, stuck with his own inept government, and without any help from the Soviet Union. If the Soviet troops continue to be pulled out, he is afraid that when they are finally gone there will be no commitment or further inducement on the part of the Soviet Union to help him. Therefore, Castro is trying to create a crisis of sufficient magnitude to justify the Soviet Union being drawn back into a so-called confrontation with the United States, which then might have the effect of guaranteeing his present Cuban dictatorship continued help in the form of food, money, and protection from the Soviet Union.

This strategy on the part of Castro demonstrates in what desperate straits this man finds himself, and also what desperate steps he is likely to adopt in order to extricate himself.

I ask unanimous consent that the article may be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

**CASTRO SEEKS NEW CRISIS WITH UNITED STATES**  
(By Mary Louise Wilkinson)

After months of comparative calm, Cuban Premier Fidel Castro has been busy the past week trying to whip up another "crisis" with the United States.

Informed sources here and in Washington believe Castro's espionage system works so well he is anticipating what will happen in the next few weeks in regard to Russian-American relations.

The signposts are already there.

Russia and the United States recently agreed to cut back production of nuclear weapons and Russia has indicated it will pull Russian troops out of Cuba.

Castro's spies apparently have convinced the Cuban leader that even more startling agreements are in the offing.

He is beginning to wonder—and shout hysterically—if the lone Communist stronghold in the Caribbean is going to be left in the open like a sitting duck at a shooting gallery.

With the desperation of a drowning man, Castro has been trying to create a situation in which the Russians could not pull out completely without losing face.

Castro began it last Sunday, just when Russia and the United States had reached a new agreement on nuclear cutback.

In his most violently anti-American speech since the October 1962 missile crisis, Castro charged the United States with repeated U-2 violations of Cuban air space and claimed Cuba "would fight to the last bullet and the last man."

Last Sunday's speech came as a surprise after months of obvious Cuban attempts to reach a coexistence settlement with the United States.

That speech, in which the bearded leader appeared hysterically frightened, was met with a statement by President Johnson that the U-2 flights over Cuba would be continued.

The U-2's flying at altitudes up to 80,000 feet, replaced on-site inspection following the missile crisis. Russia agreed to the inspections. Castro did not.

The Cuban premier obviously was clutching at the retreating Russian forces as protection against a possible "green light" for exile action.

Also, the Organization of American States is expected to apply anti-Cuban pressure—certainly economic and possibly military—after the forthcoming foreign ministers meeting.

Russia waited 3 days before issuing a reply to the Castro speech.

Finally on Wednesday, Izvestia stated the U.S.S.R. would side with Cuba in case "of a treacherous attack" arising from the U-2 controversy.

But Russia did not rattle its rockets as before, limiting the statement to recognizing Cuba's "inalienable right to put an end to the intrusion."

Withdrawal of Russian forces poses a problem not only to Castro, who is seeing himself suddenly vulnerable in an alien hemisphere, but to the United States as well.

**THE PRESIDING OFFICER.** Is there further morning business?

**MR. HILL.** Mr. President, I suggest the absence of a quorum.

**MR. ALLOTT.** Mr. President, will the Senator withhold that suggestion for a moment?

**MR. HILL.** I withhold it.

#### CLOTURE

**MR. ALLOTT.** Mr. President, I believe the time has come to say a few words about cloture. The Senate has been engaged in debate on the civil rights bill for 7 or 8 weeks. Most of the things which can be said about the pending bill, together with the amendments, have been said.

Some Senators take the floor and criticize the cloture provision in the Senate rules. I take the floor now for only one reason, and that is to call the attention of Senators to the fact that the Senate has been debating this subject for some time. The cloture rule can be invoked and enforced at any time that Senators decide to do it. So-called unlimited debate, in which Senators take so much pride, is not actually unlimited debate. Senators have the right and the duty, at some point, to bring debate on this subject to a conclusion.

It is my hope that some time during this week the Senate will start to vote on amendments, and that the Senate will begin to think about bringing itself to the mental state in which it will conclude debate, so that it can work its will on the bill.

**MR. JAVITS.** Mr. President, I ask unanimous consent that I may proceed for 2 minutes, since I have already spoken, so that I may reply to the Senator from Colorado.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**MR. JAVITS.** The real problem with respect to cloture is that it is often said that if a majority makes up its mind that it wants to vote, it can vote. That is not true. What the Senate has done

under its own rule is to put handcuffs on its own hands, so that it cannot comply with the constitutional mandate to pass bills by a majority vote. The facts to prove that statement are as follows:

I have had a bitter experience, so I speak from personal knowledge. The Senate tried to amend rule XXII very modestly at the beginning of the present Congress, in January 1963. There was substantial sentiment to make cloture applicable upon the vote of 60 percent of the Members present and voting rather than two thirds. We tried to get cloture in order to adopt that rule, and a majority voted for cloture. The vote was 54 to 42. It may be remembered that I had a little passage at arms with then Vice President Johnson, who is now President of the United States, seeking recognition to make the point of order that 54 votes were enough as a clear-cut majority under the Constitution, even though not under rule XXII, but I never got anywhere with that contention. The Chair had given his opinion on that subject before and ruled against my view.

What we said was that 54 Members of the Senate wanted to change rule XXII; that they wanted cloture for that purpose. They did not get it. The whole proposal went down the drain. So we have a filibuster in progress now, just as we had before.

Consequently, it is not true that a majority of the Senate, even if it determines to do so, can work its will. Therefore, one of two things must happen: First, the country must make up its mind that the Senate must act—and that is why the Harris poll is so important; it must make up its mind that it is a disgrace that the Senate does not act, as it cannot act now; or the Senate must amend rule XXII, which, incidentally, it can do at any time. Otherwise the Senate will not be able to act.

Let us understand clearly what is at stake. It is the integrity of constitutional government. The longer the filibuster continues, the longer will that fact be borne in on the American people, until they demand—as I think they are now doing—that the Senate get on with its business. So the Senate should remove the handcuffs from its hands and not impede its constitutional responsibility and its constitutional duty.

**MR. ALLOTT.** Mr. President, I ask unanimous consent that I may proceed for 2 minutes to reply to the Senator from New York.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**MR. ALLOTT.** Mr. President, the Senator from New York made a statement which might be inferred as coming from me. He said that a majority of the Senate can proceed. I have never made that statement; I never will.

We all know what the cloture rule, rule XXII, provides. I wish to make it perfectly clear, regardless of what the Senator from New York has said or what anybody else may say, that I believe that at any time the Senate wishes to make up its mind that it will close debate on a matter, it can be done. I for one do not believe that rule XXII, or 66 2/3 per-